

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS ET AL)

Plaintiffs,)

v.)

CITY OF CHICAGO ET AL)

Defendants.)

Case No. 10-C-4257

Judge Robert M. Dow, Jr.

**DEFENDANT’S AGREED MOTION FOR AN EXTENTION OF TIME AND REVISED
BREIEFING SCHEDULE TO FILE SUPPLEMENTAL BRIEFS IN RESPONSE TO
COURT’S ORDER ON SUMMARY JUDGMENT**

By agreement with Plaintiffs, Defendant City of Chicago (the “City”), by its counsel, Mark A. Flessner, Corporation Counsel of the City of Chicago, hereby respectfully moves this Court for an extension of time and a revised briefing schedule for the parties to file their Supplemental Briefs and subsequent Replies in response to the Court’s Memorandum Opinion and Order for supplemental briefing. The City, by agreement with the Plaintiffs, asks the Court to set July 2, 2020 as the date for both parties to file their respective supplemental briefs on the nominal damages and laser sight ban issues identified by the Court, and July 23, 2020, for the parties’ supplemental reply briefs. In support of this motion, Defendant states as follows:

1. On March 10, 2020, the Court issued its order granting the City’s motion to exclude the testimony of Plaintiffs’ expert, and denying without prejudice and subject to further supplemental briefing on the City’s motion for summary judgment with respect to Counts I and III.

2. As part of its Order, the Court directed each party to file a supplemental brief on the nominal damages and laser sight ban issues by March 30, 2020 and a supplemental reply brief by April 20, 2020.

3. On March 16, 2020, Chief Judge Rebecca Pallmeyer signed General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY.

4. On March 30, 2020, Chief Judge Pallmeyer signed Seconded Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY.

5. On April 24, 2020, Chief Judge Pallmeyer signed Third Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY.

6. On May 26, 2020, Chief Judge Pallmeyer signed Fourth Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY.

7. The combined effect of these orders moved the due date for the Parties' supplemental briefs and supplemental replies to June 15, 2020, and July 6, 2020.

8. The City, with Plaintiffs' agreement, respectfully requests an extension of time for the Parties to file their initial supplemental briefs to July 2, 2020. An extension of time is warranted due to counsels' obligations in other cases and matters, including the preparation of briefs in other actions and complex matters, and advising City officials on issues related to, and complicated by, the Covid-19 pandemic as well as recent civil unrest and its impact on essential City services. Furthermore, the City has experienced staffing turnover in its counsel for this case since summary judgment briefing was completed, requiring additional time for new counsel to become familiar with the facts and substantial history of this case. In addition, this motion is not intended to delay the proceedings, and no party will be prejudiced by the Court's granting of this motion.

10. Counsel for the City has consulted with Plaintiffs' counsel, and Plaintiffs' counsel has agreed to the requested extension and revised briefing schedule.

WHEREFORE, for the foregoing reasons, the City respectfully requests that the Court grant the extension of time for the parties to file their Supplemental Briefs up to and including July 2, 2020, and for the parties to file their Supplemental Replies by July 23, 2020.

Respectfully submitted,

MARK A. FLESSNER,
Corporation Counsel for the City of Chicago

By: /s/ Thomas P. McNulty
Senior Counsel

Date: June 11 , 2020

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CERTIFICATE OF SERVICE

I, Thomas P. McNulty, an attorney, hereby certify that on this, the 11th day of June, 2020, I caused copies of (1) **Defendant's Agreed Motion for an Extension of Time And Revised Briefing Schedule to File Supplemental Briefs** to be served by electronic case filing (ECF) on counsel for Plaintiffs.

/s/ Thomas P. McNulty

